

1. Please indicate which mechanisms have been established in the concerned country to hold accountable persons accused of committing or bearing responsibility for gross violations of human rights and serious violations of international humanitarian law in colonial contexts. If such mechanisms were not adopted, please explain why. Please indicate the challenges and opportunities encountered in investigating, prosecuting and sanctioning such crimes.

There were several efforts by South Koreans to investigate the past crimes after WW II.

1948: The Special Investigation Committee of Anti-National Activities was established to handle the crimes under the Japanese colonialism, but it failed due to the then president who were close to the pro-Japanese collaborators.

1960: The Investigation Committee on the Massacre in the Korean War, the death of which was estimated to reach 200,000 in 1950, was established, but it also failed due to the Military Coup in 1961.

1988-Present: There have a series of investigation on the May 18 Massacre in Gwangju. In 1988, there was a hearing at the national parliament, which was followed by the Special Investigation Committee, which was not followed by prosecution. In 1995, there was another investigation and prosecution, which resulted in giving death and 22 year sentences to the two heads of the military junta in 1980. However, they were pardoned for the sake of national reconciliation. The 3rd investigation commission was established in 2020. It will continue to investigate minimum three years to be extended two more years.

2003: Truth Finding and Victims Honor Restoration Committee was established on the Juju Incident of 1948. The government report was published with the number of confirmed victims reached 14,442 while estimating the number to be 25,000 to 30,000. The investigation was based on the Special Law established in 2000 along the Law on Geochang Massacre in 1951 during the Korean War.

2005: The first Truth and Reconciliation Commission was established to be active from Dec. 2005 to June 2010. It confirmed 8,176 massacres based on the 10,755 application. It suffered from lack of budget due to the conservative government since 2008. The second Truth and Reconciliation Commission was formed in Dec. 2021. It will be active for 3 to 4 years.

The truth finding efforts have been carried out only when progressive governments are in power. There has been clear limitation due to the strong conservative segments, which inherited the colonial heritage, and there was no prosecution against the perpetrators except in Gwangju Investigation. The investigations would not have been possible with the push from the victims family and the civil society organizations.

Refer to the following paper on the efforts to rectify the past history and their partial success in the modern history of Korea.

<https://cpb-us-w2.wpmucdn.com/voices.uchicago.edu/dist/c/124/files/2011/10/Kim-Dong-Choon-Paper.pdf>

2. Please indicate which measures have been established in the concerned country to inquire on and establish the truth about gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If such mechanisms were established, please indicate how was the outcome of the inquiries made public and conveyed to victims and civil society in the affected country as well as to civil society in the former colonizing power. If such mechanisms were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.

The response in 1) seems to be relevant here as well. There was no significant influence with gender issue in the investigation.

3. Please indicate which measures have been established in the concerned country to provide reparation to victims of gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If such processes were established, please indicate which type of reparation was provided to victims (for example: restitution, compensation, satisfaction, and /or rehabilitation). If such measures were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.

There has been no significant compensation has been given to the victims and their

bereaved families except for the victims of the May 18 Democratization Movement (an official name of the government). It was because the democratization of the country was in progress after and directly due to the movement. It was also relatively recent in time. In addition, the citizens' and civil society organizations carried out movements based on the five principles: (1) truth-finding/investigation, (2) punishment of those responsible, (3) reparation/compensation for the victims, (4) restoration of the honor of the victims, and (5) commemoration projects. Refer to the following book.

<https://www.cambridge.org/core/books/transitional-justice-in-the-asiapacific/transitional-justice-in-south-korea/>

4. Please indicate which measures have been established in the concerned country to memorialize the gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If yes, please indicate whether memorialization processes were established in the affected country and /or in the former colonizing power. If such measures were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.

Korea seems to feel proud in this area. There are many government and non-governmental organizations in commemoration of the people's struggle for independence and democratization. Some of the examples are:

Democracy Foundation: <https://www.kdemo.or.kr/> This is the one of the biggest government organizations commemorating and carrying out research on democracy movements with about \$8,000,000 budget of the government support annually.

Jeju Peace Foundation: <http://jeju43peace.org/> This foundation has nearly the amount of government support for the commemoration projects including the cemetery.

The largest number of places and institutions to commemorate the May 18 Movement probably because it has a strong support from the local citizens. The following is some of the examples:

- May 18 Foundation: <http://eng.518.org/>
- May 18 Archives: <https://www.518archives.go.kr/eng/>

- May 18 National Cemetery: <https://www.mpva.go.kr/518/index.do>
 - May 18 Research Institute: <http://cnu518.jnu.ac.kr/>
 - Gwangju Prize: https://en.wikipedia.org/wiki/Gwangju_Prize_for_Human_Rights
5. Please indicate which measures have been established in the concerned country to guarantee non-recurrence of the gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If such mechanisms were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.

One of the most important measures of non-recurrence seems to be education of history for the growing generation. However, the conservative governments of Korea from 1948 to 1960, from 1961 to 1997, and from 2008 to 2017 controlled or tried to control the history education by the national history textbook system, which was strongly opposed by history teachers and civil society. In addition to education and the places and institutions mentioned in (4), art works seem to be important for the commemoration and propagate and perpetuate the spirit of democratic struggles.

Gwangju again produced numerous novels, poems, art works since 1980.¹

- 1995 Sand Glass (Hourglass): TV drama on Gwangju Movement
- 2018 Human Acts: <https://koreanliteraturenow.com/fiction/excerpts/han-kang-human-acts>
- 2012 Taxi Driver: <https://www.imdb.com/title/tt6878038/>

The Jeju massacre was known to the public through books in spite of the information control of the past conservative government as shown below.²

¹ Movies: <https://asianmoviepulse.com/2020/05/10-great-korean-movies-about-the-gwangju-uprising/>
Literature and TVs: https://en.wikipedia.org/wiki/Gwangju_Uprising#Literature

² https://en.wikipedia.org/wiki/Jeju_uprising#In_popular_media

- 1965 Volcano Island: Novel on Jeju Massacre first published in Japan
- 1978 Suni's Uncle: Novel on Jeju Massacre

I also want to note that the role of women has not been much attention since the focus is mostly given to the male activists. There were some research products which tried to spotlight the influence of women in the democracy movement. However, there is a long way to go in this regard.

I want to have another note to be shared with you. South Koreans managed to have a democracy in relatively higher level than most other Asian countries thanks to the dedication of civil society, students/teachers/scholars and workers. However, most of the power sectors of the society are under the control of the children of the past colonial collaborators in mass media, businesses, and powerful government organizations like police, prosecutor's office, court, military forces and even education.